

09/706,737
YO920000549US1
YOR.241

13

REMARKS

Entry of this Amendment is believed proper since no new issues are being raised which would require further consideration and/or search by the Examiner, and indeed place the case into condition for allowance.

Applicant thanks the Examiner for the courteous and productive telephone interview on August 11, 2005, in which the invention and the Office Action were discussed.

The Examiner agreed that amending the claim as above would clearly remove the § 101 and § 112, second paragraph rejections. That is, the amendments above clearly reflect that the invention is not merely for manipulating data, but instead are drawn to a concrete and practical results, and indeed accomplish the desired and intended results.

Further, the Examiner indicated that he had meant to claim 30, added in the Supplemental Amendment of April 25, 2005, similarly to claims 1-29 under 35 U.S.C. §101.

Claims 1-30 are all the claims presently pending in the application. There are no prior art rejections. Thus, presumably once the informalities under 35 U.S.C. §112, second paragraph and §101 are overcome, all of the claims should be allowable.

Regarding the rejection under 35 U.S.C. § 112, second paragraph, the claims have been amended in a manner believed fully responsive to all points raised by the Examiner.

First, with regard to the Examiner's comment that the preambles of claims 1, 28, and 29 "state that they are drawn to 'forecasting of computing resources' and yet never appear to accomplish such desired intended results", while Applicant points out that the invention of claim 1 is directed to a method of preprocessing (e.g., preprocessing data) which provides a basis for

09/706,737
YO920000549US1
YOR.241

14

the forecasting of computing resources, the claim has been amended to more particularly point out the invention for the Examiner and indeed to specify the desired result accomplished.

In contrast, independent claim 28 is directed to a "computer system" including concrete and tangible structural elements. However, to clearly remove this issue and expedite prosecution, claim 29 has also been amended similarly.

Independent claim 29 is directed to a signal bearing medium which stores a program executable by a digital process apparatus to perform a method for preprocessing data to be used for forecasting of computing resources. Claim 29 has been amended similarly to claim 1. That is, to expedite prosecution and to quickly dispose of this issue so as to obtain an immediate allowance, claims 1, 28 and 29 have been amended to make clear the intended result accomplished.

Secondly, with regard to the rejection of claims 1-29 under 35 U.S.C. § 101, Applicant submits that the claims are directed to statutory subject matter.

The Examiner rejects claims 1-29 indicating that the claims can be "... interpreted as a series of preprocessing instructions to an operator representing an abstract idea that lacks tangibility". Thus, presumably the Examiner believes that the invention is directed to method steps, which can be practiced mentally in conjunction with pen and paper, and therefore they are directed to non-statutory subject matter. Applicant respectfully disagrees for all of the reasons discussed in the previous Amendment.

However, to expedite prosecution, claims 1, 29, and 30 have been amended to clearly recite that the method is performed by a "computer system" and that the method is "computer-implemented." Thus, it is clear that, in claims 1, 29, and 30, such method steps are

09/706,737
YO920000549US1
YOR.241

15

not performed "on paper or even mentally", but instead are performed by concrete and tangible structure for achieving the intended purpose.

With regard to independent claim 28, it is noted that claim 28 is in fact a structure claim and specifically claims a "computer system" having a combination of specific and tangible structural elements in the body of the claim for accomplishing the claimed functions. Hence, this claim is believed to be clearly statutory subject matter for performing the claimed functions of the method.

Additionally, as mentioned above, the desired, useful, and concrete result is clearly recited in the body of each of independent claims 1, 28, 29, and 30.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

It is noted that the claim amendments herein are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

In view of all of the foregoing, Applicant submits that all of the pending claims are patentable over the prior art of record.

09/706,737
YO920000549US1
YOR.241

16

II. FORMAL MATTERS AND CONCLUSION

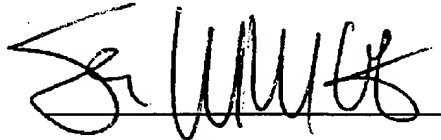
In view of the foregoing, Applicant submits that claims 1-30, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date:

9/6/05

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment by facsimile with the United States Patent and Trademark Office to Examiner Elias Desta, Group Art Unit 2857 at fax number (571) 273-8300 this 6th day of September, 2005.



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